

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Darcy Archer

v.

Civil No. 09-cv-85-JD

Sue Methot, et al.

O R D E R

Darcy Archer brought claims of copyright and trademark infringement, breach of contract, and unfair trade practices against Sue and Gary Methot and the "Snow Flake Inn."¹ In their answer, the defendants disclosed that the Inn is owned by Noel Renee, Inc., d/b/a the Snowflake Inn. Archer moves to join Noel Rene [sic], Inc. as a defendant.² The defendants filed a limited objection, noting the misspelling of "Renee" and submitting that Noel Renee, Inc. should be substituted as a defendant for the Snowflake Inn.

Given the general agreement of the parties concerning these minor matters, they should have been resolved between counsel without filing a motion. See Fed. R. Civ. P. 15(a)(2). It is a

¹Archer named the Snow Flake Inn as a defendant. The defendants refer to the inn as the "Snowflake Inn."

²Archer mistakenly relies on Federal Rules of Civil Procedure 13(h), which applies to counterclaims and crossclaims.

waste of the court's time and resources to address an unnecessary motion. See LR 7.1(c).

Conclusion

For the foregoing reasons, the plaintiff's motion to join (document no. 21) is denied without prejudice.

Counsel shall discuss and attempt to resolve the issue of the proposed additional defendant. If successful, the plaintiff shall file an assented-to motion to amend her complaint to add the appropriate defendant or substitute a defendant for the Snowflake Inn **on or before September 25, 2009**. If counsel are unable to agree, they shall file a joint notice **on or before September 25, 2009**, in which they give detailed reasons for their disagreement, and the court will schedule a hearing to address the issue.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

September 3, 2009

cc: Charles G. Holoubek, Esquire
Donald L. Smith, Esquire